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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,721	03/23/2001	Shinji Imoto	205075US2	5704
22850	7590	12/02/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/814,721

Applicant(s)

IMOTO, SHINJI

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 and 53-56 is/are allowed.
- 6) ☒ Claim(s) 1, 10, 11, 16-18, 29, 38, 39 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 2-9, 12-15, 19-24, 30-37, 40-43 and 47-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1,10,29,38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabeshima et al (US 5,930,008).

Considering claim 1, which is representative of claim 29, Nabeshima teaches an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: moving means for moving the glass platen; and control means for causing said moving means to move said glass platen while the reading section reads an image at the reading position; wherein said reading section and the reading position on the glass platen are movable relative to each other (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).

Regarding claim 10, which is representative of claim 38, Nabeshima teaches wherein said moving means moves the glass platen in a sub scanning direction (Col 3 Lines 1-15).

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*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 16, 39, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima in view of Kumashiro (US 5,864,408).

Regarding claim 11, which is representative of claim 39, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, moving means for moving the glass platen; and control means causing said moving means to move said glass platen while the reading section reads an image, wherein while causing said moving means to move said glass platen, said control means causes said reading section onto read an image (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).

Nabeshima does not disclose expressly said image reading device comprising: a white plate positioned above the glass platen for constituting a white reference for reading the document.

Kumashiro discloses said image reading device comprising: a white plate positioned above the glass platen for constituting a white reference for reading the document (Col 6 Lines 1-3).

Nabeshima & Kumashiro are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a white glass reference plate within an image-reading device.

The suggestion/motivation for doing so would have been determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of said glass platen and contamination of said white plate.

Therefore, it would have been obvious to combine Kumashiro with Nabeshima to obtain the invention as specified in claims above.

Considering claim 16, which is representative of claim 44, Nabeshima teaches wherein said moving device moves the glass platen in a main scanning direction (Col 3 Lines 1-15).

4. Claims 17-18,45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima et al in view of Uemura et al (US 6,128,100).

Considering claim 17, which is representative of claim 45, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: a body (Fig 1); moving means for moving the glass platen (Col 3 Lines 49-63; Fig 2, Fig 3a/3b).

Nabeshima does not disclose expressly cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen; wherein while said moving means moves the glass platen, said cleaning means moves relative to said glass platen to thereby clean the top of said glass platen.

Uemura discloses cleaning means affixed to said body and contacting the glass platen for cleaning a top of said glass platen; wherein while said moving means moves the glass platen, said cleaning means moves relative to said glass platen to thereby clean the top of said glass platen (Col 3 Lines 55-62).

Nabeshima & Uemura are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine cleaning means within an image-reading device.

The suggestion/motivation for doing so would have been to clean the top of the glass platen from any soiled matter.

Therefore, it would have been obvious to combine Uemura with Nabeshima to obtain the invention as specified in claims above.

Considering claim 18, which is representative of claim 46, Nabeshima teaches a controller for causing said moving device to move the glass platen while causing the reading section to read an image (Col 3 Lines 33-48).

#### *Claim Objections*

5. Claim 11 is objected to because of the following informalities: Improper punctuation mark, Page 35 Line 3. Appropriate correction is required.

#### *Allowable Subject Matter*

6. Claims 2-9,12-15,19-24,30-37,47-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 25-28,53-56 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:  
Claims relate to an image reading device wherein the glass platen returns from a predetermined position by a pre-selected stroke and then returns the glass platen to the home position at least one time and sheet pay-out sheet means for paying out a transparent sheet held between said contact image sensor and said press roller and used to lay the document thereon; means for paying out a transparent.

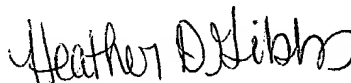
#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2622

hdg



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